

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

**FILED**  
**AUG 29 2022**  
CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY *[Signature]* DEPUTY

UNITED STATES OF AMERICA

V.

(1) MATTHEW NELSON TUNSTALL

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CRIMINAL NO. 1:21-CR-223-LY

ORDER

Before the court is the Government's Joint Motion for Continuance of Trial and Related Deadlines (Clerk's Document #83) filed on August 24, 2022. All parties are in agreement with the motion and request the court to reset this case for a trial in February of 2023. Having considered the motions the court is of the opinion that the motions should be granted.

**ACCORDINGLY, IT IS ORDERED** that the motion to continue is **GRANTED**. All pretrial motions shall be filed on or before January 3, 2023, and any response to a motion shall be filed on or before January 17, 2023.

**IT IS FURTHER ORDERED** that the above entitled and numbered case is reset for hearing on all pending pretrial motions and docket call on January 31, 2023, at 9:30 AM, with jury selection and trial on February 13, 2023, at 9:00 AM

Pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(h)(7), the Court finds that the ends of justice served by allowing the Defendant additional time for pretrial preparation outweighs the best interest of the public and the Defendant in a speedy trial. The Court's basis for said finding is that the failure to grant such a continuance in this case would deny counsel for the Defendants the reasonable time necessary for effective preparation, taking into account the exercise of due

diligence. *See* 18 U.S.C. § 3161(h)(7). Thus, the Court finds that the time between the previous trial setting of January 9, 2023, and the new setting of February 13, 2023, is excludable under the Speedy Trial Act, 18 U.S.C. § 3161(h).

IT IS FURTHER ORDERED that counsel for the Defendants shall notify the Defendants of all court settings and, if a Defendant is on bond, advise the Defendants that the Defendant must be present on the dates and times specified in this Order.

SIGNED this 29th day of August, 2022.

  
LEE YEAKEL  
UNITED STATES DISTRICT JUDGE